

AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY MR. MCGOVERN OF
MASSACHUSETTS

At the end of subtitle G of title XII, add the following:

1 SEC. __. PROMOTING HUMAN RIGHTS IN COLOMBIA.

2 (a) SENSE OF CONGRESS.—It is the sense of Congress that—

4 (1) the United States recognizes Colombia as a
5 key regional partner committed to promoting democracy,
6 human rights, and security and remains committed to supporting
7 areas of mutual interest outlined under Plan Colombia;

9 (2) no military or intelligence equipment or
10 supplies transferred or sold to the Government of
11 Colombia under United States security sector assistance
12 programs should be used for purposes of unlawful surveillance
13 or intelligence gathering directed at the civilian population,
14 including human rights defenders, judicial personnel, journalists
15 or the political opposition;

17 (3) the United States should encourage accountability
18 through investigation and prosecution

1 under applicable law of individuals in Colombia
2 credibly alleged to be responsible for conducting un-
3 lawful surveillance or intelligence gathering;

4 (4) the United States, through its diplomacy,
5 foreign assistance, and United States security sector
6 assistance programs, should consistently and at all
7 times promote the protection of internationally-rec-
8 ognized human rights in Colombia, including by
9 incentivizing the Colombian Government, its mili-
10 tary, police, security, and intelligence units, to abide
11 by their human rights obligations.

12 (b) REPORT.—

13 (1) IN GENERAL.—Not later than 120 days
14 after the date of the enactment of this Act, the Sec-
15 retary of State, in coordination with the Secretary of
16 Defense and the Director of National Intelligence,
17 shall submit to the appropriate congressional com-
18 mittees a report that assesses allegations that
19 United States security sector assistance provided to
20 the Government of Colombia was used by or on be-
21 half of the Government of Colombia for purposes of
22 unlawful surveillance or intelligence gathering di-
23 rected at the civilian population, including human
24 rights defenders, judicial personnel, journalists, and
25 the political opposition.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required by this subsection shall include the fol-
3 lowing:

4 (A) A detailed overview of any involvement
5 by Colombian military, police, security, or intel-
6 ligence units in unlawful surveillance or intel-
7 ligence gathering directed at sectors of the civil-
8 ian population and non-combatants since 2002.

9 (B) An assessment of the full extent of any
10 unlawful surveillance or intelligence gathering
11 alleged to have been carried out by Colombian
12 military, police, security, or intelligence units in
13 2019 and 2020, including who was in charge,
14 to whom they reported, what kind of intel-
15 ligence was carried out, and with what objec-
16 tives.

17 (C) A detailed description of any use of
18 United States security sector assistance for
19 such unlawful surveillance or intelligence gath-
20 ering.

21 (D) Full information on the steps taken by
22 the Department of State, the Department of
23 Defense, or the Office of the Director of Na-
24 tional Intelligence in response to any misuse or

1 alleged misuse of United States security sector
2 assistance, including—

3 (i) any application of section 620M of
4 the Foreign Assistance Act of 1961 (22
5 U.S.C. 2378d) or section 362 of title 10,
6 United States Code (commonly referred to
7 as the “Leahy Laws”);

8 (ii) any consideration of the imple-
9 mentation of mandatory “snap-back” of all
10 such United States security assistance
11 found to have been employed by the Co-
12 lombian Government or any dependency
13 thereof for such unlawful surveillance or
14 intelligence gathering;

15 (iii) a description of measures taken
16 to ensure that such misuse does not recur
17 in the future.

18 (E) Full information on the steps taken by
19 the Colombian Government and all relevant Co-
20 lombian authorities in response to any misuse
21 or alleged misuse of United States security sec-
22 tor assistance, including a description of meas-
23 ures taken to ensure that such misuse of mili-
24 tary or intelligence equipment or supplies does
25 not recur in the future.

1 (F) An analysis of the adequacy of Colom-
2 bian military and security doctrine and training
3 for ensuring that surveillance and intelligence
4 gathering operations are conducted in accord-
5 ance with the Government of Colombia’s inter-
6 national human rights obligations and any addi-
7 tional assistance and training that the United
8 States can provide to strengthen adherence by
9 Colombian military and security forces to inter-
10 national human rights obligations.

11 (3) FORM.—The report required by this sub-
12 section shall be submitted in unclassified form, but
13 may include a classified annex.

14 (c) DEFINITIONS.—In this section:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Foreign Affairs, the
19 Committee on Armed Services, and the Perma-
20 nent Select Committee on Intelligence of the
21 House of Representatives; and

22 (B) the Committee on Foreign Relations,
23 the Committee on Armed Services, and the Se-
24 lect Committee on Intelligence of the Senate.

1 (2) INTELLIGENCE COMMUNITY.—The term
2 “intelligence community” has the meaning given
3 that term in section 3(4) of the National Security
4 Act of 1947 (50 U.S.C. 3003(4)).

5 (3) UNITED STATES SECURITY SECTOR ASSIST-
6 ANCE.—The term “United States security sector as-
7 sistance” means a program authorized under—

8 (A) section 502B of the Foreign Assistance
9 Act of 1961 (22 U.S.C. 2304) and administered
10 by the Department of State;

11 (B) section 301 of title 10, United States
12 Code, or any national defense authorization Act
13 and administered by the Department of De-
14 fense; or

15 (C) any law administered by the intel-
16 ligence community.

17 (4) UNLAWFUL SURVEILLANCE OR INTEL-
18 LIGENCE GATHERING.—The term “unlawful surveil-
19 lance or intelligence gathering” means surveillance
20 or intelligence gathering—

21 (A) prohibited under applicable Colombian
22 law or international law recognized by Colom-
23 bia;

24 (B) undertaken without legally required ju-
25 dicial oversight, warrant or order; or

1 (C) undertaken in violation of internation-
2 ally recognized human rights.

